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CLERK U.S. DISTRICT COURT
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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13 UNIVERSAL CITY STUDIOS
PRODUCTIONS LLLP, a Delaware
14 limited liability limited partnership;
WARNER BROS. ENTERTAINMENT
15 INC., a Delaware corporation; and NEW
LINE PRODUCTIONS, INC., a
16 California corporation,

17 Plaintiffs,

18 v.

19 MOVIERUMOR.COM, a business
entity of unknown form; ALI JAFFAR,
20 an individual, d/b/a
MOVIERUMOR.COM; and DOES 2
21 through 5, inclusive,

22 Defendants.

CASE NO. CV 08-04931 RSWL (SHx)

The Honorable Ronald S. W. Lew

**FIRST AMENDED COMPLAINT
FOR COPYRIGHT
INFRINGEMENT (17 U.S.C. §§ 101,
ET SEQ.)**

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1 Plaintiffs Universal City Studios Productions LLLP, Warner Bros.
2 Entertainment Inc., and New Line Productions, Inc. (collectively, "Plaintiffs") for
3 their First Amended Complaint against defendants Movierumor.com, Ali Jaffar, an
4 individual, d/b/a movierumor.com, and Does 2 through 5 (collectively,
5 "Defendants") allege as follows:

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7 **NATURE OF THE ACTION**

8 1. This is a civil action for damages and for injunctive and related relief
9 against Defendants for violations of the United States Copyright Act of 1976, 17
10 U.S.C. §§ 101, *et seq.* This action arises out of Defendants' infringement of
11 copyrights in numerous motion pictures and other audiovisual works to which
12 Plaintiffs own or control copyright and/or exclusive distribution rights ("Plaintiffs'
13 copyrighted works").

14 2. Defendants own and operate the website www.movierumor.com
15 ("Movierumor" or the "Website"), whose purpose is to promote, facilitate, and
16 profit from the infringement of Plaintiffs' copyrighted works. Movierumor is a
17 for-profit "one-stop-shop" for infringing copies of Plaintiffs' copyrighted works.
18 Specifically, Defendants post, organize, search for, identify, collect and index links
19 to infringing material that is available on third-party websites (including, for
20 example, the third party website www.youku.com). Defendants profit from their
21 misconduct by displaying advertisements adjacent to the infringing content
22 (including Plaintiff's copyrighted works) that plays on their site. Defendants'
23 conduct constitutes copyright infringement.

24 3. As alleged in detail below, by virtue of their conduct, Defendants
25 violate the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*

THE PARTIES

1
2 4. Plaintiff Universal City Studios Productions LLLP (“UCSP”) is a
3 limited liability limited partnership duly organized under the laws of the State of
4 Delaware with its principal place of business located in Universal City, California.

5 5. Plaintiff Warner Bros. Entertainment Inc. (“Warner Bros.”) is a
6 corporation duly incorporated under the laws of the State of Delaware with its
7 principal place of business located in Burbank, California.

8 6. Plaintiff New Line Productions, Inc. (“New Line”) is a corporation
9 duly incorporated under the laws of the State of California with its principal place
10 of business located in Los Angeles, California.

11 7. Defendants own and/or operate a website, www.movierumor.com, at
12 the Internet Protocol address 208.100.8.140. Plaintiffs are informed and believe,
13 and based thereon allege, that Defendants engage in and profit from infringing
14 activity in this judicial district.

15 8. Defendant Movierumor.com is a business entity of unknown form.

16 9. On information and belief, Defendant Ali Jaffar, d/b/a
17 movierumor.com, previously sued as DOE 1, is an owner and/or operator of
18 Movierumor.com. On information and belief, Defendant Jaffar is an individual
19 residing in the State of Pennsylvania.

20 10. Plaintiffs are unaware of the true names or capacities of the
21 defendants sued herein under the fictitious names DOES 2 through 5, inclusive.
22 Plaintiffs are informed and believe, and based thereon allege, that DOES 2 through
23 5, and each of them, either directly performed the acts alleged herein or were
24 acting as the agent, principal, alter ego, employee, representative, or otherwise
25 participated in the acts alleged herein with Defendants. Accordingly, defendants
26 DOES 2 through 5 are each liable for all of the acts alleged herein because they
27 were the cause in fact and proximate cause of all injuries suffered by Plaintiffs as
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1 alleged herein. Plaintiffs will amend the First Amended Complaint to state the true
2 names of defendants DOES 2 through 5 when their identity is discovered.

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4 **JURISDICTION AND VENUE**

5 11. The Court has subject matter jurisdiction over this action under 28
6 U.S.C. §§ 1331 (federal question) and 1338(a) (any act of Congress relating to
7 copyright) and under the Copyright Act, 17 U.S.C. §§ 101, *et seq.*

8 12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)
9 and (c) and 1400(a).

10 13. This Court has personal jurisdiction over Defendants because, *inter*
11 *alia*, (a) each of the Defendants or their respective agents are doing business in this
12 district, and (b) Plaintiffs are informed and believe, and on that basis allege, that a
13 substantial part of the wrongful acts committed by Defendants, and each of them,
14 have occurred in interstate commerce, in the State of California, and in the Central
15 District of California.

16
17 **BACKGROUND FACTS**

18 **Plaintiffs' Copyrighted Works**

19 14. Plaintiffs and certain of their affiliates are producers, distributors,
20 and/or exclusive licensees of motion pictures and television programs in the United
21 States. Plaintiffs are, among other things, engaged in the business of developing,
22 producing, distributing, and/or licensing to others, the right to copy, distribute,
23 transmit, and exhibit copyrighted motion pictures, television programs and/or other
24 audiovisual works.

25 15. Plaintiffs, either directly or through their affiliates or licensees,
26 distribute their copyrighted works in various forms including, without limitation,
27 for exhibition in theaters, through television broadcasts, over the Internet, and
28 through cable and direct-to-home satellite services (including basic, premium,

1 “pay-per-view,” and “video on demand” (“VOD”) television services). In
2 addition, Plaintiffs distribute their motion pictures and television programs on
3 digital versatile discs (“DVDs”) and other formats, including next generation and
4 high definition discs, by selling them directly or indirectly to the home viewing
5 market or licensing them to others to do so. Plaintiffs also distribute their
6 copyrighted works, among other ways, through Internet-based streaming and
7 download services and other media or license others to do so. Plaintiffs also offer
8 streaming video clips of many of their popular television shows and other
9 copyrighted works through their own websites (such as www.wb.com) or through
10 licensees.

11 16. Each Plaintiff or its predecessor-in-interest is the owner or exclusive
12 licensee of United States copyrights in a substantial number of motion pictures
13 and/or television programs. Attached hereto as Exhibit A and incorporated herein
14 by reference is an illustrative schedule of some of the motion pictures in which
15 Plaintiffs own the copyrights or exclusive reproduction, distribution, public
16 performance, and public display rights.

17 17. By way of illustration, Plaintiffs are the owners of United States
18 copyrights or the exclusive reproduction, distribution, public performance, and
19 public display rights in the following motion pictures: Plaintiff UCSP (*Definitely*
20 *Maybe*), Plaintiff Warner Bros. (*10,000 B.C.*), and Plaintiff New Line (*Mr.*
21 *Woodcock*).

22 18. Plaintiffs have registered with the United States Copyright Office
23 their copyrights in the works identified in Paragraph 17 above and in Exhibit A.

24 19. Plaintiffs and certain of their affiliates have invested (and continue to
25 invest) substantial sums of money and effort each year to develop, produce, and
26 distribute motion pictures and/or television programs protected under copyright
27 and other laws. Defendants’ actions, as described below, infringe Plaintiffs’
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1 exclusive rights under the Copyright Act and other laws and diminish the
2 economic value of such rights.

3
4 **Defendants' Unlawful Activities**

5 20. As alleged hereinabove, Defendants operate a website called
6 Movierumor, located at www.movierumor.com. The primary purpose of
7 Movierumor is to disseminate to its users content that has been unlawfully
8 reproduced, distributed, publicly performed, and/or publicly displayed that is
9 available on third-party Internet websites. Movierumor facilitates the ability of its
10 users to have access, on demand, to copyrighted movies and other audiovisual
11 works that have been unlawfully reproduced, distributed, publicly performed,
12 and/or publicly displayed in violation of Plaintiffs' copyrights.

13 21. Defendants' website is a one-stop shop for infringing material.
14 Specifically, Defendants' Movierumor website provides links to infringing content
15 available on third-party websites. Defendants make such infringing content easily
16 accessible to users by creating and maintaining an index of links to the infringing
17 content available on third-party sites. Virtually all of the content indexed on and
18 available via Movierumor's website is infringing, unauthorized copyrighted
19 content, including Plaintiffs' copyrighted works.

20 22. The homepage of Movierumor at www.movierumor.com features an
21 index of links to infringing content organized into categories such as
22 "Action/Adventure," "Comedy," and "Drama." Under each of these categories,
23 Movierumor lists the titles of the particular infringing copyrighted works available
24 for viewing on its website. Among these titles are works that are currently being
25 exhibited in movie theaters (*e.g.*, *Forgetting Sarah Marshall*).

26 23. To watch an infringing copy of a work using Defendants'
27 Movierumor site, the user clicks on the title of a particular infringing work (*e.g.*,
28 the motion picture *I Am Legend*) from Movierumor's index. A page then appears

1 on the Movierumor site in which the work is performed and displayed on an
2 embedded video player. The Movierumor page displaying this embedded video
3 player also contains advertisements.

4 24. In furtherance of creating and posting the index of links to infringing
5 content, which Movierumor makes available to its users at the click of a mouse, the
6 Movie website also allows users to submit new links to infringing copyrighted
7 works and to report broken links.

8 25. Plaintiffs are informed and believe, and based thereon allege, that
9 Defendants manage their website by identifying, selecting, posting, and organizing
10 links to third-party websites containing infringing content. Defendants exercise
11 control over the selection and organization of the links to infringing content
12 available on their website.

13 26. Virtually all of the content available for streaming through
14 Movierumor is infringing copyrighted video content, including Plaintiffs'
15 copyrighted works. Furthermore, Defendants know and intend that virtually all of
16 the links on their Movierumor website consist of links to unauthorized infringing
17 copies of copyrighted works, including Plaintiffs' copyrighted works. The
18 fundamental purpose of Movierumor is to further the illegal dissemination and to
19 contribute to the illegal dissemination of infringing works.

20 27. By virtue of the conduct alleged hereinabove, Defendants knowingly
21 promote, participate in, facilitate, assist, enable, materially contribute to,
22 encourage, and induce copyright infringement, thereby secondarily infringing the
23 copyrights in Plaintiffs' copyrighted works, including but not limited to those
24 listed in Exhibit A attached to this First Amended Complaint.

25 28. On June 23, 2008, Plaintiffs gave notice to Defendants that their
26 website infringes Plaintiffs' copyrights, specifically identifying 15 examples of
27 copyrighted works on Movierumor that are owned or controlled by Plaintiffs and
28 that are being infringed by the Movierumor website. Plaintiffs demanded that

1 Defendants immediately cease the infringement and take steps to ensure that the
2 website does not infringe upon the copyrights of Plaintiffs' copyrighted works in
3 the future. Defendants, however, ignored Plaintiffs' notice, failing either to
4 remove the links to Plaintiffs' copyrighted works from the Movierumor website or
5 to take steps to ensure that their website does not infringe upon the copyrights of
6 Plaintiffs' copyrighted works in the future.

7 29. No Plaintiff has granted any license, permission, authorization, or
8 consent to Defendants to use or exploit any of Plaintiffs' copyrighted works.
9 Instead, in violation of Plaintiffs' rights under copyright law, Defendants have
10 willfully, intentionally, and knowingly facilitated, enabled, induced, and materially
11 contributed to infringing uses thereof.

12 30. Defendants' conduct causes substantial harm to Plaintiffs and to their
13 intellectual property. Among other things, Defendants' conduct interferes with the
14 continued growth and development of numerous emerging legitimate services
15 offering consumers a means to obtain and view copies of audiovisual works on the
16 Internet and through other channels of distribution.

17
18 **FIRST CLAIM FOR RELIEF**

19 **(Contributory Copyright Infringement)**

20 **17 U.S.C. §§ 101, *et seq.***

21 31. Plaintiffs incorporate by reference each and every allegation set forth
22 in Paragraphs 1 through 30, inclusive, as though fully set forth herein.

23 32. Plaintiffs own the United States copyrights or the pertinent exclusive
24 rights, including without limitation reproduction, distribution, public performance,
25 and public display rights, in and to the copyrighted works listed in Paragraph 17
26 and in Exhibit A, as well as many other motion pictures and other audiovisual
27 works.

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1 33. Plaintiffs (or their predecessors) have obtained copyright registration
2 and/or preregistration certificates for each work listed in Exhibit A. In doing so,
3 Plaintiffs have complied in all respects with 17 U.S.C. §§ 101, *et seq.*, the statutory
4 deposit and registration requirements thereof, and all other laws governing federal
5 copyrights.

6 34. By virtue of the availability of infringing copies of Plaintiffs'
7 copyrighted works on third-party websites, Plaintiffs' exclusive rights of
8 reproduction, distribution, public performance, and public display have been
9 infringed in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

10 35. Defendants know or have reason to know of the aforesaid
11 infringement of Plaintiffs' copyrighted works, and Defendants materially
12 contribute to and further such infringement. The infringement of Plaintiffs'
13 copyrighted works on Movierumor.com is open and notorious. Furthermore, the
14 purpose and function of Movierumor is the illegal dissemination of Plaintiffs'
15 copyrighted works. Plaintiffs' copyrighted works are well-known and
16 recognizable, and even a cursory review of the Movierumor website reveals that it
17 provides access to numerous infringing copies of Plaintiffs' motion pictures and
18 other audiovisual works.

19 36. Moreover, while unnecessary to establish Defendants' knowledge of
20 the blatant and extensive infringement promoted by their website, Plaintiffs
21 provided Defendants with written notice of infringement of Plaintiffs' copyrighted
22 works occurring via the Movierumor website, and Defendants failed to halt their
23 infringing activities.

24 37. By enabling, causing, facilitating, materially contributing to, and
25 encouraging the unauthorized reproduction, distribution, public performance, and
26 public display of Plaintiffs' copyrighted works (including the works listed in
27 Exhibit A) in the manner described above, with full knowledge of the illegality of
28 such conduct, Defendants contribute to and induce a vast number of copyright

1 infringements, including infringements of Plaintiffs' copyrighted works, in
2 violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

3 38. The unauthorized reproduction, distribution, public performance, and
4 public display of Plaintiffs' copyrighted works that Defendants enable, cause,
5 materially contribute to, and encourage through the acts described above are
6 without Plaintiffs' consent and are not otherwise permissible under the Copyright
7 Act.

8 39. Plaintiffs are informed and believe, and based thereon allege, that the
9 foregoing acts of infringement by Defendants have been willful, intentional, and
10 purposeful, in disregard of and indifference to Plaintiffs' copyrights and exclusive
11 rights under copyright.

12 40. As a direct and proximate result of Defendants' infringement of
13 Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs have
14 sustained and will continue to sustain actual damage. Plaintiffs are entitled to their
15 actual damages plus Defendants' profits from infringement of Plaintiffs'
16 copyrighted works, as will be proven at trial. Alternatively, at Plaintiffs' election,
17 Plaintiffs are entitled to the maximum statutory damages as permitted by federal
18 copyright law.

19 41. Defendants' acts have caused and continue to cause substantial
20 irreparable harm to Plaintiffs. Unless Defendants are enjoined from engaging in
21 their wrongful conduct, Plaintiffs will suffer further irreparable injury and harm,
22 for which they have no adequate remedy at law.

23 42. Plaintiffs are entitled to their attorneys' fees and full costs pursuant to
24 17 U.S.C. § 505.

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SECOND CLAIM FOR RELIEF

(Inducement of Copyright Infringement)

17 U.S.C. §§ 101, *et seq.*

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4 43. Plaintiffs incorporate by reference each and every allegation set forth
5 in Paragraphs 1 through 30 and 32 through 34, inclusive, as though fully set forth
6 herein.

7 44. Defendants are liable under the Copyright Act for inducing and
8 encouraging the acts of direct copyright infringement hereinabove alleged.
9 Defendants operate the Movierumor website service with the object of promoting
10 the use of the website to infringe Plaintiffs' copyrights, evidenced by Defendants'
11 clear expression and/or other affirmative steps taken to foster infringement.

12 45. Defendants' unlawful objective to promote infringement is
13 demonstrated by numerous indicia including, without limitation, their operation of
14 a website that is almost exclusively devoted to the infringement of copyrighted
15 works and that takes affirmative steps to build a vast virtual library of links to such
16 infringing works, by satisfying a source of demand for copyright infringement, by
17 failing to develop or employ any tools or other mechanisms to diminish
18 infringement on Defendants' site, and by incorporating a business model which
19 uses infringing content to attract a high volume of visitors to the site for the
20 purpose of selling advertising.

21 46. Defendants' acts constitute inducement of copyright infringement in
22 violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

23 47. Plaintiffs are informed and believe, and based thereon allege, that the
24 foregoing acts of infringement by Defendants have been willful, intentional, and
25 purposeful, in disregard of and indifference to Plaintiffs' copyrights and exclusive
26 rights under copyright.

27 48. As a direct and proximate result of Defendants' infringement of
28 Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs have

1 sustained and will continue to sustain actual damage. Plaintiffs are entitled to their
2 actual damages plus Defendants' profits from infringement of Plaintiffs'
3 copyrighted works, as will be proven at trial. Alternatively, at Plaintiffs' election,
4 Plaintiffs are entitled to the maximum statutory damages as permitted by federal
5 copyright law.

6 49. Defendants' acts have caused and continue to cause substantial
7 irreparable harm to Plaintiffs. Unless Defendants are enjoined from engaging in
8 their wrongful conduct, Plaintiffs will suffer further irreparable injury and harm,
9 for which they have no adequate remedy at law.

10 50. Plaintiffs are entitled to their attorneys' fees and full costs pursuant to
11 17 U.S.C. § 505.

12
13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiffs pray that this Court enter judgment in their favor
15 and against Defendants, as follows:

16 (a) adjudge and declare that Defendants' activities constitute contributory
17 copyright infringement and inducement of copyright infringement, respectively;

18 (b) preliminary and permanently enjoin, pursuant to 17 U.S.C. § 502,
19 Defendants and their officers, agents, servants, employees, attorneys, successors,
20 licensees, partners, and assigns, and all those acting directly or indirectly in concert
21 or participation with any of them, from contributorily infringing by any means
22 and/or inducing copyright infringement by any means of the exclusive rights of
23 Plaintiffs and their affiliates under the Copyright Act, including, but not limited to,
24 any of Plaintiffs' and Plaintiffs' affiliates' rights in any of the copyrighted works
25 listed in Exhibit A;

26 (c) award damages that Plaintiffs have sustained or will sustain by reason
27 of Defendants' copyright infringement and all profits derived by Defendants from
28 such conduct, or in lieu thereof, should Plaintiffs so elect, such statutory damages

1 as the Court shall deem proper as provided in 17 U.S.C. § 504(c), including
2 damages for willful infringement for each act of copyright infringement;

3 (d) award Plaintiffs' costs and reasonable attorneys' fees in accordance
4 with 17 U.S.C. § 505;

5 (e) award Plaintiffs pre-judgment and post-judgment interest according to
6 law; and

7 (f) award Plaintiffs such further and additional relief as the Court may
8 deem just and proper.

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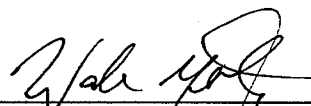
10 DATED: October 16, 2008

ROBERT H. ROTSTEIN
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By: 

Wade B. Gentz
Attorneys for Plaintiffs

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EXHIBIT A

Exhibit A

Title	Owner	Reg. No.
<i>10,000 B.C.</i>	Warner Bros. Entertainment Inc.	PA1-599250
<i>Be Kind Rewind</i>	New Line Productions, Inc.; Junkyard Prods LLC	PAu003050144
<i>Definitely, Maybe</i>	Universal City Studios Productions LLP	PA1-594-772
<i>Doomsday</i>	Internationale Filmproduktion; Universal City Studios Productions LLP	PA1-594-317
<i>Forgetting Sarah Marshall</i>	Universal City Studios Productions LLP	Pre-Registration No. 000001154
<i>Harold & Kumar: Escape From Guantanamo Bay</i>	Going South Productions, LLC	PAu003339764
<i>I Am Legend</i>	WV Films IV LLC	PA1-590-883
<i>Mr. Woodcock</i>	Macron Filmproduktion; New Line Productions, Inc.	PA1-594-313
<i>Sex And The City</i>	IFP Westcoast Erste; Home Box Office; New Line Productions, Inc.	Pre-Registration No. 000001271
<i>Speed Racer</i>	WV Films IV LLC	Pre-Registration No. 000001169
<i>Welcome Home Roscoe Jenkins</i>	Universal City Studios Productions LLP	PA1-593-188